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Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MARIANO PEREZ BENITEZ, )  
 )  
Defendant. )

No. CR 09-70984 RS

**STIPULATION REQUESTING  
CONTINUANCE OF STATUS  
CONFERENCE FROM JUNE 17 TO  
JULY 22; AND EXTENDING TIME  
UNDER RULE 5.1(d)**

The parties submit this stipulation requesting to continue the status conference scheduled before Magistrate Judge Patricia V. Trumbull on June 17, 2010, to July 22, 2010, at 1:30 p.m., or any other time available to the Court. The parties further agree to an extension of time under Federal Rule of Criminal Procedure 5.1(d) until July 22.

Defendant is charged by complaint with violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(ii) and (b)(1)(B)(viii) for possession of cocaine with intent to distribute and possession of methamphetamine with intent to distribute. Counsel for the parties are discussing a pre-indictment disposition of the case. Defendant's counsel has a scheduling conflict for June 17; the parties have therefore agreed to a continuance to July 22.

STIPULATION  
CR 09-70984 RS

**Filed**

JUN 17 2010

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

1 The parties agree that there is good cause for an extension of time under Rule 5.1(d),  
2 taking into account the public interest in prompt disposition of criminal cases. There are  
3 no known direct and proximate "victims" in this case as defined by the Crime Victims'  
4 Rights Act and the defendant is already in federal custody on a separate conviction.

5 Respectfully submitted,

6 Dated: June 16, 2010

JOSEPH P. RUSSONIELLO  
United States Attorney

7  
8 /s/ Nat Cousins  
Assistant United States Attorney

9 AGREED.

10  
11 /s/  
12 ROBERT W. LYONS  
Attorney for Mariano Benitez

13 **ORDER**

14 Based upon the Stipulation of the parties and a showing of good cause, and taking into  
15 account the public interest in prompt disposition of criminal cases, the Court continues  
16 the status conference in this case to July 22, 2010, at 1:30 p.m. and orders time extended  
17 under Federal Rule of Criminal Procedure 5.1 from June 17, 2010 to July 22.

18  
19 Date: 6/17/10

20 Patricia V. Trumbull  
21 U.S. Magistrate Judge  
22 PATRICIA V. TRUMBULL  
23  
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